United Nations A/57/L.50

General Assembly

Distr.: Limited
25 November 2002

Original: English

Fifty-seventh session
Agenda item 25 (c)
Oceans and the law of the sea: Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Australia, Austria, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Marshall Islands, Micronesia (Federated States of), Namibia, Nauru, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Russian Federation, Samoa, Solomon Islands, Spain, Sweden, Tonga, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America and Vanuatu: draft resolution

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

The General Assembly,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 ("the Convention"),[1] and bearing in mind the relationship between the Convention and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Recalling also its resolution 56/13 of 28 November 2001, and bearing in mind its resolution 57/... of 10 December 2002,

[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

[2] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. I; see also A/CONF.164/37.

02-70931 (E) 021202

Recognizing that, in accordance with the Convention, the Agreement sets forth provisions concerning the conservation and management of straddling fish stocks and highly migratory fish stocks, including provisions on subregional and regional cooperation in enforcement, binding dispute settlement and the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas,

Welcoming the entry into force of the Agreement, and noting that the entry into force of the Agreement entails responsibilities for States parties and other important considerations as outlined in the Agreement,

Welcoming also the outcomes of the World Summit on Sustainable Development,[3] in particular, those relating to the conservation and management of straddling fish stocks and highly migratory fish stocks,

Deploring the fact that the straddling fish stocks and highly migratory fish stocks in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, mainly as a result of, inter alia, unauthorized fishing, inadequate regulatory measures and excess fishing capacity,

Recognizing that insufficient monitoring, control and surveillance measures and inadequate flag State control over vessels fishing for straddling fish stocks and highly migratory fish stocks in many parts of the world exacerbate the problem of overfishing, and recognizing also the urgent need for capacity-building in monitoring, control and surveillance measures and addressing inadequate flag State control for developing States, in particular the least developed among them and small island developing States,

Noting the obligation of all States, pursuant to the provisions of the Convention, to cooperate in the conservation and management of straddling fish stocks and highly migratory fish stocks,

Conscious that the Agreement requires States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure the effective conservation, management and long-term sustainability of such stocks, and to establish such organizations or arrangements where none exist,

Recognizing the obligation of States to cooperate, either directly or through subregional, regional or global organizations, to enhance the ability of developing States, in particular the least developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States,

Taking into account that, in accordance with the Convention, the Agreement and the Code of Conduct for Responsible Fisheries of the Food and Agriculture

---

[3] See *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (A/CONF.199/20), chap. I.

Organization of the United Nations,[4] States fishing for straddling fish stocks or highly migratory fish stocks on the high seas, and relevant coastal States, shall give effect to their duty to cooperate either directly or by becoming members of the subregional or regional fisheries management organizations or participants in arrangements of that nature, or by agreeing to apply the conservation and management measures established by such organizations or arrangements, and that States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements,

Recognizing the importance of the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks and the need for the regular consideration by the General Assembly of developments relating thereto,

Noting the outcomes of the first informal consultations of States parties to the Agreement, and taking into account the recommendations to the General Assembly by the States parties that participated in that meeting,

Emphasizing that, as recognized during the first informal consultations of States parties to the Agreement, implementation of the provisions in Part VII of the Agreement is fundamental to the successful implementation of the Agreement and, in particular, to assisting developing States, in particular the least developed among them and small island developing States, in meeting their obligations and realizing their rights under the Agreement,

Welcoming the conclusion of negotiations, and the ongoing preparatory work, to establish new regional instruments, arrangements and organizations in several heretofore unmanaged fisheries, and noting the role of the Convention and the Agreement, while taking into account the Code of Conduct for Responsible Fisheries, in the elaboration of these instruments, arrangements and organizations,

Welcoming also the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, as well as regional and subregional fisheries management organizations and arrangements, have enacted legislation, established regulations, adopted conventions or taken other measures as steps towards implementation of the provisions of the Agreement,

1. *Expresses its deep satisfaction* at the entry into force of the Agreement;[2]

2. *Calls upon* all States, and entities referred to in the Convention[1] and in article 1, paragraph 2 (b), of the Agreement, that have not done so to ratify or accede to it and to consider applying it provisionally;

3. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

4. *Reaffirms* the outcomes of the World Summit on Sustainable Development,[3] in particular, those relating to the conservation and management of straddling fish stocks and highly migratory fish stocks;

---

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

5. *Emphasizes* the importance of the effective implementation of the provisions of the Agreement, including those provisions relating to bilateral, regional and subregional cooperation in enforcement, and urges continued efforts in this regard;

6. *Urges* all States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation, management and long-term sustainability of such stocks, to agree upon measures necessary to coordinate and, where there are no subregional or regional fisheries management organizations or arrangements in respect of particular straddling or highly migratory fish stocks, to cooperate to establish such organizations or enter into other appropriate arrangements;

7. *Welcomes* the initiation of negotiations and ongoing preparatory work to establish regional and subregional fisheries management organizations or arrangements in several fisheries, and urges participants in those negotiations to apply provisions of the Convention and the Agreement to their work;

8. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with relevant provisions of the Convention and of the Agreement;

9. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

10. *Invites* States and relevant intergovernmental organizations to develop projects, programmes and partnerships with relevant stakeholders and mobilize resources for the effective implementation of the outcome of the African Process for the Protection and Development of the Marine and Coastal Environment and to consider the inclusion of fisheries components in this work;

11. *Also invites* States and relevant intergovernmental organizations to further implement sustainable fisheries management and improve financial returns from fisheries by supporting and strengthening relevant regional fisheries management organizations, as appropriate, such as the recently established Caribbean Regional Fisheries Mechanism and such agreements as the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean;

12. *Recognizes* the benefits of developing a programme of assistance with multiple components in accordance with Part VII of the Agreement, to complement programmes at the bilateral, subregional, regional and global levels;

13. *Requests* the Secretary-General to include in his next report on the status and implementation of the Agreement a background study on current activities under Part VII of the Agreement and emphasizes the importance of this request to the successful development of terms of reference for a Part VII fund, calls for the study to include a survey of current assistance programmes under way in support of Part VII principles and an analysis of such programmes, and requests that the study be completed before the next round of informal consultations of the Secretary-General with States parties to the Agreement;

14. *Considers* that one component of a programme of assistance to be developed in accordance with Part VII of the Agreement should be the establishment of a voluntary trust fund (Part VII fund) within the United Nations system, to support developing States parties, in particular the least developed among them and small island developing States, dedicated to Part VII implementation, notes the role of the Food and Agriculture Organization of the United Nations as the specialized agency responsible for fisheries, and that of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat as the secretariat for the Agreement, and requests the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its next meeting to consider its participation in the development and management of the Part VII fund;

15. *Urges* States parties to the Agreement to develop detailed terms of reference for the Part VII fund and requests that the following activities be considered for early implementation through the Part VII fund:

(a) Facilitating the participation of developing States parties in relevant regional and subregional fisheries management organizations and arrangements;

(b) Assisting with travel costs associated with the participation of developing States parties in meetings of relevant global organizations;

(c) Supporting ongoing and future negotiations to establish new regional or subregional fisheries management organizations and arrangements in areas without such bodies currently in place, and to strengthen existing subregional and regional fisheries management organizations and arrangements;

(d) Building capacity for activities in key areas such as monitoring, control and surveillance, data collection and scientific research;

(e) Exchanging information and experience on the implementation of the Agreement;

(f) Assisting with human resources development and technical assistance;

16. *Emphasizes* the importance of outreach to potential donor organizations to contribute to the programme of assistance;

17. *Recalls* paragraph 6 of its resolution 56/13, and requests the Secretary-General to convene a second round of informal consultations with States that have either ratified or acceded to the Agreement, for the purposes and objectives of considering the national, regional, subregional and global implementation of the Agreement, and making any appropriate recommendation to the General Assembly;

18. *Requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (b), of the Agreement, not party to the Agreement as well as the United Nations Development Programme, the Food and

Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, regional fishery bodies and arrangements, and relevant non-governmental organizations to attend the second round of informal consultations with States parties to the Agreement as observers;

19. *Also requests*, the Secretary-General to develop, in consultation with the Food and Agriculture Organization of the United Nations, a voluntary survey to solicit information from States parties and other States that may wish to participate, as well as regional and subregional fisheries management organizations and arrangements, on activities related to the implementation of provisions of the Agreement, similar to the survey currently in use by the Food and Agriculture Organization concerning implementation of the Code of Conduct, with a view to encouraging through this mechanism greater exchange of information with regard to implementation of the Agreement, and to include the results of the survey in the report of the Secretary-General to the General Assembly at its fifty-eighth session, on the understanding that such a report will also be available to the second informal consultations of States parties for their consideration;

20. *Further requests* the Secretary-General to submit to the General Assembly at its fifty-ninth session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting of elements to be provided by the General Assembly in its resolution on fisheries to be adopted at the fifty-eighth session;

21. *Decides* to include in the provisional agenda of its fifty-eighth session, under the item entitled "Oceans and the law of the sea", a sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".